

CONSENT,TERMINATED

**U.S. District Court
District of Oregon (Portland (3))
CIVIL DOCKET FOR CASE #: 3:11-cv-01458-AC**

Lewis v. Federal Aviation Administration et al
Assigned to: Magistrate Judge John V. Acosta
Cause: 05:552 Freedom of Information Act

Date Filed: 12/05/2011
Date Terminated: 01/07/2013
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**Jeffrey Nathan Lewis**

represented by **Jeffrey Nathan Lewis**
28242 S. Salo Road
Mulino, OR 97042
(971) 295-7669
PRO SE

V.

Defendant**Federal Aviation Administration**

represented by **Kevin C. Danielson**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Victoria B. Wassmer
TERMINATED: 05/17/2012

represented by **Kevin C. Danielson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Timothy F. Kubik
TERMINATED: 05/17/2012

represented by **Kevin C. Danielson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Douglas C. Taylor
TERMINATED: 05/17/2012

represented by **Kevin C. Danielson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/05/2011	<u>1</u>	Complaint. Filing Fee in amount of \$350 collected. Receipt No. 44200. Filed by Jeffrey Nathan Lewis against Federal Aviation Administration, Timothy F. Kubik, Douglas C. Taylor, Victoria B. Wassmer. (Attachments: # <u>1</u> Civil Cover Sheet) (dmd) (Entered: 12/07/2011)

12/05/2011	<u>2</u>	Discovery and Pretrial Scheduling Order and Notice of Case Assignment to Magistrate Judge John V. Acosta. Discovery is to be completed by 4/3/2012. Joint Alternate Dispute Resolution Report is due by 5/3/2012. Pretrial Order is due by 5/3/2012. Ordered by Magistrate Judge John V. Acosta. (dmd) (Entered: 12/07/2011)
12/07/2011	3	Clerk's Notice of Mailing Discovery/Case Assignment Order to Jeffrey Nathan Lewis, 12/7/11. (dmd) (Entered: 12/07/2011)
12/08/2011	<u>4</u>	Summons Issued as to Timothy F. Kubik, Douglas C. Taylor and Victoria B. Wassmer, 12/8/11. (dmd) (Entered: 12/13/2011)
01/12/2012	<u>5</u>	Motion to Dismiss for Lack of Jurisdiction . Filed by Timothy F. Kubik, Douglas C. Taylor, Victoria B. Wassmer. (Danielson, Kevin) (Entered: 01/12/2012)
01/12/2012	<u>6</u>	Memorandum in Support of <i>Defendants' Motion to Dismiss</i> . Filed by Timothy F. Kubik, Douglas C. Taylor, Victoria B. Wassmer. (Related document(s): Motion to Dismiss/Lack of Jurisdiction <u>5</u> .) (Danielson, Kevin) (Entered: 01/12/2012)
01/12/2012	7	SCHEDULING ORDER by Judge Acosta – Individual Defendants' Motion to Dismiss for Lack of Jurisdiction <u>5</u> will be taken under advisement on 4/13/12. (peg) (Entered: 01/12/2012)
01/13/2012	8	Clerk's Notice of Mailing to Plaintiff Jeffrey Lewis Scheduling Order 7 . (peg) (Entered: 01/13/2012)
03/05/2012	<u>9</u>	Answer to <u>1</u> Complaint, <i>Answer of Defendant Federal Aviation Agency</i> . Filed by Federal Aviation Administration. (Danielson, Kevin) (Entered: 03/05/2012)
04/03/2012	<u>10</u>	Unopposed Motion for Extension of Time <i>to Modify Scheduling Order</i> . Filed by Federal Aviation Administration, Timothy F. Kubik, Douglas C. Taylor, Victoria B. Wassmer. (Danielson, Kevin) (Entered: 04/03/2012)
04/04/2012	11	ORDER by Judge Acosta – GRANTING Defendants' unopposed motion <u>10</u> for extension of time as follows: (1) Defendants to file their summary judgment motion by 5/3/12; (2) Plaintiff to file his response/objections to defendants' motion, as well as a separate cross-motion for summary judgment, if any, by 6/4/12; (3) Defendants' reply to their motion for summary judgment and a separate response/objections to plaintiff's cross-motion for summary judgment due by 6/18/12; (4) Plaintiff's reply in support of his cross-motion for summary judgment due by 7/2/12. (copy of this order mailed to plaintiff this date) (peg) (Entered: 04/04/2012)
04/09/2012	<u>12</u>	Findings &Recommendation: Motion to Dismiss for Lack of Jurisdiction <u>5</u> to dismiss the Individual Defendants should be GRANTED. The Individual Defendants should be dismissed with prejudice and their names stricken from the caption. Objections to the Findings and Recommendation are due by 4/24/2012. Signed on 4/9/2012 by Magistrate Judge John V. Acosta. (sss) (Entered: 04/09/2012)
04/09/2012	13	Order referring to Judge Hernandez. Findings &Recommendation: Motion to Dismiss for Lack of Jurisdiction <u>5</u> to dismiss the Individual Defendants should be GRANTED. The Individual Defendants should be dismissed with prejudice and their names stricken from the caption of the complaint. Ordered by Magistrate Judge John V. Acosta. (sss) (Entered: 04/09/2012)
04/09/2012	14	Clerk's Notice of Mailing to Jeffrey Nathan Lewis regarding Findings &Recommendation <u>5</u> and Findings &Recommendation Referred 13 . (sss) (Entered: 04/09/2012)
04/18/2012	15	SCHEDULING ORDER by Judge Acosta – SETTING an IN-PERSON Rule 16 Conference for Thursday, May 3, 2012, at 10:00AM, in Courtroom 11B, at the Mark Hatfield US Courthouse, 1000 SW Third Ave., Portland, Oregon 97204. (copy of this order mailed to plaintiff this date) (peg) (Entered: 04/18/2012)
05/02/2012	<u>16</u>	Unopposed Motion for Extension of Time . Filed by Federal Aviation Administration. (Danielson, Kevin) (Entered: 05/02/2012)

05/03/2012	17	ORDER by Judge Acosta – GRANTING defendants' unopposed motion <u>16</u> for extension of time to 5/4/12, in which to file its motion for summary judgment. (peg) (Entered: 05/03/2012)
05/03/2012	18	MINUTES of Proceedings: Rule 16 Conference held before Judge Acosta. ORDER: (1) Plaintiff to file his amended complaint on or before 5/11/12; (2) Defendants to file an answer to the amended complaint on or before 5/18/12; (3) Dispositive motions, if any, to be filed by 5/31/12; (4) DEFERRING the filing of a pretrial order; (5) Plaintiff to advise the court and opposing counsel by 6/19/12, as to a date by which he can file a memorandum in opposition to defendants' dispositive motion, or whether a hearing date is needed regarding dispute over material(s) needed by plaintiff in order to respond to defendants dispositive motion; (6) Parties to notify courtroom deputy, Paul Gale, on or before 5/14/12 regarding their decision as to consent to jurisdiction by a US Magistrate Judge in this matter, and to file conventionally the magistrate consent form if they are consenting. Jeffrey Lewis, pro se plaintiff present. Kevin Danielson present as counsel for defendant(s). Court Reporter: Amanda LeGore. Magistrate Judge John V. Acosta presiding. (Copy of this minutes of proceedings mailed to plaintiff this date.) (peg) (Entered: 05/03/2012)
05/08/2012	<u>19</u>	Amended Complaint (Titled by Plaintiff as: Memorandum Defining his Complaint and Requesting an Amendment to add FOIA 2011–9148). Filed by Jeffrey Nathan Lewis. (Related document(s): Complaint, <u>1</u> .) (Attachments: # <u>1</u> Exhibits1–18) (sss) Modified text on 5/10/2012 (sss). (Entered: 05/09/2012)
05/10/2012	20	Defendants to file an amended answer to plaintiff's amended complaint <u>19</u> on or before 5/18/12. (peg) (Entered: 05/10/2012)
05/11/2012	<u>22</u>	Full Consent by all Parties to Jurisdiction by US Magistrate Judge. (sss) (Entered: 05/17/2012)
05/14/2012	21	ORDER: Defendant FAA to file an answer to plaintiff's amended complaint <u>19</u> , but only answer the new allegations as set forth in paragraphs 61–72. (peg) (Entered: 05/14/2012)
05/17/2012	23	ORDER by Judge Acosta – STRIKING the pending Findings & Recommendation <u>12</u> and the REFERRAL of the Findings and Recommendation 13 to the Honorable Marco A. Hernandez, in light of the parties full consent <u>22</u> to jurisdiction by a U.S. Magistrate in this matter, which was filed on 5/11/12. This court will issue an Opinion and Order in the near future. (peg) (Entered: 05/17/2012)
05/17/2012	24	Clerk's Notice of Mailing to Plaintiff Jeffrey Nathan Lewis Order 23 . (peg) (Entered: 05/17/2012)
05/17/2012	<u>26</u>	OPINION and ORDER – Defendants' motion <u>5</u> to dismiss the individual defendants is GRANTED. The individual defendants are dismissed with prejudice and the Clerk and parties are ordered to strike their names from the caption. Dated this 17th day of May, 2012, by U.S. Magistrate Judge John V. Acosta. (peg) (Entered: 05/18/2012)
05/18/2012	<u>25</u>	Answer to Complaint <i>Defendant FFA's Answer to Amended Complaint</i> . Filed by Federal Aviation Administration. (Danielson, Kevin) (Entered: 05/18/2012)
05/18/2012	27	Clerk's Notice of Mailing to Plaintiff Jeffrey Nathan Lewis a copy of Opinion and Order <u>26</u> . (peg) (Entered: 05/18/2012)
05/31/2012	<u>28</u>	Motion for Summary Judgment . Filed by Federal Aviation Administration. (Danielson, Kevin) (Entered: 05/31/2012)
05/31/2012	<u>29</u>	Memorandum in Support . Filed by Federal Aviation Administration. (Related document(s): Motion for Summary Judgment <u>28</u> .) (Danielson, Kevin) (Entered: 05/31/2012)
05/31/2012	<u>30</u>	Declaration of Jeb Kreischer . Filed by Federal Aviation Administration. (Related document(s): Motion for Summary Judgment <u>28</u> .) (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8) (Danielson, Kevin) (Entered: 05/31/2012)

06/01/2012	31	SCHEDULING ORDER by Judge Acosta – Defendant's motion <u>28</u> for summary judgment will be taken under advisement by the court on 7/16/12, (copy of this order mailed to plaintiff Jeffrey Lewis on 6/1/12). (peg) (Entered: 06/01/2012)
06/01/2012	<u>32</u>	Summary Judgment Advice Notice – Dated this 1st day of June, 2012, by Deputy Clerk, Paul Gale.(Related document – Defendant's Motion for Summary Judgment <u>28</u> .)(copy of notice mailed to Plaintiff Jeffrey Lewis this date.) (peg) (Entered: 06/01/2012)
06/29/2012	<u>33</u>	Motion for Extension of Time, and Motion for Hearing. Oral Argument requested. Filed by Jeffrey Nathan Lewis. (sss) (Entered: 07/05/2012)
06/29/2012	<u>34</u>	Statement of Material Facts. Filed by Jeffrey Nathan Lewis. (Related document(s): Motion for Summary Judgment <u>28</u> .) (sss) (Entered: 07/05/2012)
07/02/2012	<u>36</u>	Memorandum in Opposition to Motion for Summary Judgment <u>28</u> . Filed by Jeffrey Nathan Lewis. (sss) (Entered: 07/06/2012)
07/02/2012	<u>37</u>	Declaration of Jeffrey Lewis. Filed by Jeffrey Nathan Lewis. (Related document(s): Memorandum in Opposition <u>36</u> .) (Attachments: # <u>1</u> Exhibits 1–39) (sss) (Entered: 07/06/2012)
07/06/2012	35	ORDER by Judge Acosta – GRANTING plaintiff's motion <u>33</u> for an extension of time to 7/2/12 in which to file his response/opposition to defendants' motion for summary judgment. The Court will consider plaintiff's request for a hearing in due course. (plaintiff mailed a copy of this order on 7/6/12) (peg) (Entered: 07/06/2012)
07/09/2012	38	SCHEDULING ORDER by Judge Acosta – Defendants' motion for summary judgment <u>28</u> will now be taken under advisement as of 9/17/2012. The court will consider plaintiff's request for oral argument in due course. (plaintiff mailed a copy of this order on 7/9/12.) (peg) (Entered: 07/09/2012)
07/20/2012	<u>39</u>	Reply In Support of Motion for Summary Judgment <u>28</u> . Filed by Federal Aviation Administration. (Danielson, Kevin) Modified to remove duplicate text on 7/23/2012 (sss). (Entered: 07/20/2012)
07/27/2012	<u>40</u>	Stipulation re Motion for Summary Judgment <u>28</u> <i>Defendant FAA's Stipulation Regarding Its Motion for Summary Judgment</i> by Federal Aviation Administration. Filed by Federal Aviation Administration. (Danielson, Kevin) (Entered: 07/27/2012)
10/03/2012	41	SCHEDULING ORDER by Judge Acosta – GRANTING plaintiff's motion request <u>33</u> for oral argument on defendants' motion for summary judgment <u>28</u> . Oral Argument on defendants' motion for summary judgment is set for Tuesday, December 11, 2012, at 9:30AM, in Courtroom 11B. (peg) (Entered: 10/03/2012)
10/03/2012	42	Clerk's Notice of Mailing to Plaintiff Jeffrey Nathan Lewis copy of scheduling order 41 . (peg) (Entered: 10/03/2012)
12/11/2012	43	MINUTES of Proceedings: Motion Hearing held before Judge Acosta on Defendants' motion for summary judgment <u>28</u> . ORDER: (1) Plaintiff to file by close of business 12/14/12, Mr. Taylor's letter and any other correspondence from defendant agency that addresses the issue of appeal of plaintiff's four FOIA requests as mentioned on page 7 of document <u>39</u> . (2) Defendant may have to 12/28/12 to file any response to plaintiff's filing. Motion for summary judgment <u>28</u> will be taken under advisement as of 12/28/12. Jeffrey Lewis present as pro se plaintiff. Kevin Danielson present as counsel for defendant(s). Court Reporter: Cheryl Guthrie. Magistrate Judge John V. Acosta presiding. (Related document(s): Motion for Summary Judgment <u>28</u> .) (peg) (Entered: 12/11/2012)
12/11/2012	44	Clerk's Notice of Mailing to Jeffrey Lewis record of proceedings 43 . (peg) (Entered: 12/11/2012)
12/14/2012	<u>45</u>	Response to Judge Acosta's Request. Filed by Jeffrey Nathan Lewis. (Related document(s): Motion Hearing Held, 43 .) (Attachments: # <u>1</u> Exhibits 1, 2 and 3) (sss) (Entered: 12/19/2012)

12/27/2012	<u>46</u>	Defendant's Response to Plaintiff's Supplemental Documents. Filed by Federal Aviation Administration. (Danielson, Kevin) Modified text on 1/2/2013 (sss). (Entered: 12/27/2012)
01/07/2013	<u>47</u>	OPINION and ORDER – The Administration's motion <u>28</u> for summary judgment is GRANTED in its entirety. Dated this 7th day of January, 2013, by United States Magistrate Judge John V. Acosta. (peg) (Entered: 01/08/2013)
01/07/2013	<u>48</u>	JUDGMENT – By Opinion and Order issued January 7, 2013, this court granted summary judgment for defendant. Consequently, IT IS ORDERED, ADJUDGED and DECREED that the above–entitled case is DISMISSED with prejudice. Pending motions, if any, are DENIED as moot and all scheduling dates shall be vacated and stricken from the calendar. Dated this 7th day of January, 2013, by United States Magistrate Judge John V. Acosta. (peg) (Entered: 01/08/2013)
01/08/2013	49	Clerk's Notice of Mailing to Jeffrey Nathan Lewis copies of Opinion and Order <u>47</u> and Judgment <u>48</u> . (peg) (Entered: 01/08/2013)